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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,647	07/20/2005	Greg Balderston	206,924	7133
38137	7590	11/16/2007	EXAMINER	
ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017			KIM, SHIN H	
			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			11/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/528,647

Applicant(s)

BALDERSTON, GREG

Examiner

Shin Kim

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-19,24-30 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-19,24-30 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 18, 24, 25, 28, 29, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Neil K. Dawson U.S. Patent 5,771,614 (Dawson).

1. Regarding claim 17 and 28, Dawson discloses a greeting card (Figure 2 Element 20) including; a first leaf (Figure 2 Element 22), a second leaf (Figure 2 Element 24), and an expandable receptacle (Figure 2 region encompassing element 26) having a mouth through which the article to be retained may pass and a cavity located behind the mouth that is adapted to receive the article, said receptacle being located intermediate and connected to both said first leaf and second leaf, whereby the first leaf is capable of hinge like movement relative to the second leaf between closed position, wherein the two leaves overlies one another in a manner that at least partially closes the mouth, and an open position, wherein the two leaves are apart thereby opening the mouth and enabling the article to pass through the mouth if desired (Figure 2). Dawson continues to disclose that the receptacle includes two opposing jaws that are hingedly connected together by a common web (Figure 2 Element 26) and wherein each jaw includes one or more wall portion (Figure 2, portion of Element

22 and 24 closest to element 26) that when combined define a cavity that is adapted to receive the article, the mouth is defined by a gap separating opposing wall portions of the respective two jaws remote from the web (Figure 2). Dawson discloses a greeting card wherein the receptacle includes two opposing jaws that are hingedly connected together by a common web (Figure 2 Element 26) and wherein each jaw includes one or more wall portion (Figure 2, portion of Element 22 and 24 closest to element 26) that when combined define a cavity that is adapted to receive the article.

2. Regarding claim 18 and 29, Dawson discloses a greeting card wherein the two leaves (Figure 2 Element 22 and 24) and receptacle (Figure 1 Element 26) are of unitary construction.

3. Regarding claim 24, 25 and 33, Dawson discloses a greeting card wherein the web resembles a spring and is adapted to urge the opposing wall portions of the receptacle together such that they close about the article. The fold of Element 26 will ensure the closed position to be relative to this line.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Robert Barreca et al. U.S. Patent 5,551,730 (Barreca).

1. Regarding claim 19 and 30, Dawson discloses a greeting card. Dawson does not directly disclose the greeting card to be constructed of a single piece of cardboard. Barreca discloses a greeting card constructed of a single piece of cardboard (Column 3 Lines 35-38).

Therefore it would have been obvious at the time the invention was made to modify Dawson as disclosed in Barreca to include Barreca's use of cardboard. Such a modification would provide a good material for construction of the greeting card folds.

2. Regarding claim 26, Dawson discloses a greeting card comprised of a receptacle. Dawson does not directly disclose the receptacle to be comprised of a thin walled piece of molded cardboard having a generally C-shaped transverse cross section, which is permitted to flex generally along an axis of symmetry. However, it is well known in the art when a layer of substrate, such as cardboard, is deformed and folded, the cross section of the fold will be a c-shaped profile. It is obvious and well known in the art that such a cross section exists.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson.

1. Regarding claim 27, Dawson discloses a greeting card with an article (Figure 2 Element 10). Dawson does not directly disclose the article to be a candle. However, it would be obvious and well known in the art that Dawson's greeting card is adapted to hold any article, even a candle. Such a modification would provide a greeting card with any article suitable for an event.

### ***Response to Arguments***

Applicant's arguments filed September 05, 2007 have been fully considered but they are not persuasive.

Regarding claims rejected under 35 USC § 102 as being anticipated by Dawson, Dawson's lips of the mouth lie in a plane that contacts the web (or vertical hinge of the support). Dawson's lips of the mouth (Element surrounding 26) is planar when laid flat in the open position, hence parallel to the web element.

Furthermore, Dawson's web element (Element 26) is remote to the jaws, Element not indicated but shown as the region bounded by Elements 22, 24, and 27 in Figure 3).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin Kim whose telephone number is 571-272-7788.

The examiner can normally be reached on (Monday - Friday) (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LESLEY D. MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600